

UNITED STATES DISTRICT COURT

District of Delaware

LEMON BAY PARTNERS, LLP

v.

BRUCE L. HAMMONDS, KENNETH A.
VECCHIONE, RICHARD K. STRUTHERS, JOHN R.
COCHRAN, III, LANCE L. WEAVER, CHARLES C.
KRULAK, MICHAEL G. RHODES, JOHN W.
SCHEFLEN, JAMES H. BERICK, MARY M. BOIES
BENJAMIN R. CIVILETTI, WILLIAM L. JEWS,
RANDOLPH D. LERNER, STUART L.
MARKOWITZ, WILLIAM B. MILSTEAD, LAURA
S. UNGER and THOMAS G. MURDOUGH,
and
MBNA CORP., Nominal Defendant

SUMMONS IN A CIVIL CASE

CASE NUMBER: 05-Civ-327-GMS

TO: (Name and address of Defendant)

Randolph D. Lerner
c/o Rick Pepperman
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004-2498

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert R. Davis
Chimicles & Tikellis LLP
One Rodney Square
P.O. Box 1035
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

JUL 27 2005

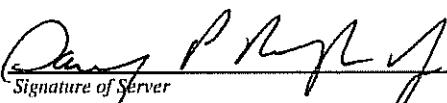
CLERK

DATE

Evette Water

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	July 28, 2005
NAME OF SERVER (PRINT)	TITLE	
Danny P. Randolph, Jr.	Process Server	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ <input type="checkbox"/> Other (specify): <u>Served: Randolph D. Lerner. Served by mail to party's agent Rick Pepperman, 125 Broad Street, New York, NY 10004-2498 per agreement.</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>7-28-05</u> Date	 <small>Signature of Server</small> <u>Chimicles & Tikellis LLP</u> <u>One Rodney Square</u> <u>Wilmington, DE 19801</u> <small>Address of Server</small>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.